

1 BROWNE GEORGE ROSS LLP
Keith J. Wesley (State Bar No. 229276)
2 kwesley@bgrfirm.com
Matthew L. Venezia (State Bar No. 313812)
3 mvenezia@bgrfirm.com
Milin Chun (State Bar No. 262674)
4 mchun@bgrfirm.com
2121 Avenue of the Stars, Suite 2800
5 Los Angeles, California 90067
Telephone: (310) 274-7100
6 Facsimile: (310) 275-5697

7 Attorneys for Plaintiff
Atari Interactive, Inc.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

12 ATARI INTERACTIVE, INC.,

13 Plaintiff,

14 vs.

15 REDBUBBLE, INC.,

16 Defendant.

17 AND RELATED ACTIONS

Case No. 4:18-cv-03451-JST

[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST; and 4:19-cv-00264-JST]

**PLAINTIFF ATARI INTERACTIVE INC.'S
ADMINISTRATIVE MOTION FOR LEAVE
TO FILE UNDER SEAL PORTIONS OF ITS
MOTION FOR SUMMARY JUDGMENT
PURSUANT TO L.R. 79-5**

Judge: Hon. Jon S. Tigar
Date: July 8, 2020
Time: 2:00 pm
Crtrm.: 9

Pursuant to Local Rules 79-5 and 7-11, Plaintiff Atari Interactive, Inc. (“Atari”) hereby submits its Administrative Motion for Leave to File Under Seal Portions of its Motion for Summary Judgment (the “Administrative Motion”).

This Administrative Motion is being made because Atari seeks to use evidence in support of its Motion for Summary Judgment designated as “Confidential” by Redbubble, Inc. (“Redbubble”) pursuant to this matter’s Stipulated Protective Order. (Dkt. No. 54.) This Administrative Motion is further being made because Atari seeks to use evidence in support of its Motion for Summary judgment that includes its own trade secrets, commercially sensitive information, and agreements subject to confidentiality provisions.

Redbubble designated the following deposition transcripts and exhibits as “Confidential” (the “Redbubble-Designated Materials”):

- The chart produced by Redbubble, attached as Exhibit A-2 to the Declaration of Keith J. Wesley in Support of Atari’s Motion for Summary Judgment (the “Wesley Decl.”)
- Excerpts from the deposition of Arnaud Deshais, attached as Exhibit B to the Wesley Decl.;
- Excerpts and exhibits 1044, 1049, and 1054 from the deposition of James N. Toy, attached as Exhibit D to the Wesley Decl.

(Declaration of Matthew L. Venezia in Support of Administrative Motion for Leave to File Documents Under Seal (“Venezia Decl. ISO Seal.”), ¶ 3.)

Further, the following documents contain Atari’s trade secrets, commercially sensitive information, and agreements subject to confidentiality provisions (the “Atari Confidential Materials”):

- The Declaration of Frederic Chesnais (“Chesnais Decl.”), ¶ 20, which contains commercially sensitive information concerning Atari’s licensing revenue.
- Exhibit E to the Chesnais Decl., which includes Atari’s licensing agreements with third-party apparel companies—such agreements including express confidentiality agreements and including Atari’s trade secrets and commercially sensitive information.

(Venezia Decl. ISO Seal, ¶¶ 4.)

Submitted herewith is the Venezia Decl. ISO Seal, which establishes that Redbubble designated the Redbubble-Designated Materials as “Confidential” pursuant to the Stipulated

1 Protective Order, and further establishes good cause for filing the Atari Confidential Materials
2 under seal. (*Id.* at ¶¶ 3, 4, 6.) Pursuant to this Administrative Motion, Atari seeks leave to file
3 under seal the Redbubble-Designated Materials, the Atari Confidential materials, and the portions
4 of its Motion for Summary Judgment where the foregoing materials are quoted and/or
5 paraphrased.

6 To Atari's knowledge, Redbubble does not oppose this application to file under seal. (*Id.* at
7 ¶ 7.)

8 Dated: April 29, 2020

BROWNE GEORGE ROSS LLP

Keith J. Wesley

Matthew L. Venezia

Milin Chun

11 By: /s/Matthew L. Venezia

Matthew L. Venezia

12 Attorneys for Plaintiff Atari Interactive, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April, 2020, I electronically filed the foregoing
**PLAINTIFF ATARI INTERACTIVE INC.'S ADMINISTRATIVE MOTION FOR LEAVE
TO FILE UNDER SEAL PORTIONS OF ITS MOTION FOR SUMMARY JUDGMENT
PURSUANT TO L.R. 79-5** with the Clerk of the Court using the CM/ECF system which will
send notification of such filing to the following:

SERVICE LIST

Atari Interactive, Inc. v. Redbubble Inc.
U.S.D.C. N.D. CA, Oakland Division Case No. 4:18-CV-03451-JST
[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-
JST;
and 19-cv-00264-JST]

Kenneth B. Wilson
COASTSIDE LEGAL
455 1st Avenue
Half Moon Bay, CA 94019
Tel: (650)440-4211
Fax: (650)440-4851
ken@coastsidelegal.com

Attorneys for Defendant
Redbubble, Inc.

Jonathan M. Masur
Zachary S. Davidson
ZUBER LAWLER &
DEL DUCA LLP
2000 Broadway Street, Suite 154
Redwood City, California 94063
Telephone: (650) 434-8538
Email: jmasur@zuberlawler.com
zdavidson@zuberlawler.com

Attorneys for Defendant
Redbubble, Inc.

Debora Sanfelippo
dsanfelippo@zuberlawler.com



Andrea A. Augustine